

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 27, 1990
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wolfsheimer at 10:05 a.m. The meeting was recessed by Chairperson McCarty at 12:08 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Wolfsheimer at 2:10 p.m. with Mayor O'Connor and Council Members Roberts, Hartley, McCarty not present. Deputy Mayor Wolfsheimer recessed the meeting at 3:03 p.m. to convene the Redevelopment Agency. The meeting was reconvened at 3:31 p.m. by Deputy Mayor Wolfsheimer with all Council members present. Deputy Mayor Wolfsheimer adjourned the meeting at 6:50 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Clerk-Fishkin (eb,ll)

FILE LOCATION: MINUTES

Nov-27-1990

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

ITEM-208:

Four actions relative to the Community Facilities District

No. 1 - Miramar Ranch North:

(See City Manager Report CMR-90-483. Miramar Ranch North Community Area. District-6.)

Subitem-A: (R-91-814) ADOPTED AS RESOLUTION R-276929

Adopting the boundary map showing properties and land to be served by Capital Facilities in the Community Facilities District.

Subitem-B: (R-91-815 REV. 1) ADOPTED AS AMENDED AS RESOLUTION R-276930

Resolution of Intention to establish a Community Facilities District and to levy a special tax to pay for public facilities.

Subitem-C: (R-91-816) ADOPTED AS RESOLUTION R-276931

Ordering and directing the preparation of a Report.

Subitem-D: (R-91-817 REV. 1) ADOPTED AS AMENDED AS RESOLUTION R-276932

Resolution of Intention to issue bonds secured by special taxes.

FILE LOCATION: STRT CF-1

COUNCIL ACTION: (Tape location: A065-180.)

MOTION BY HENDERSON TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-nay, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-nay.

Motion by Bernhardt to schedule an evening meeting in Scripps Ranch on January 8, 1991. Second by Wolfsheimer. Passed by the following vote: Yeas-1,2,3,4,5,6,M. Not present-7,8.

ITEM-209: CONTINUED TO SPECIAL EVENING MEETING TO BE SCHEDULED FOR JANUARY 8, 1991

(Continued from the meetings of September 18, 1990, Item 348, October 15, 1990, Item 206, and October 29, 1990, Item 214; last continued at the City Manager's request, to allow the City Attorney and staff to review the documents.)
Proposal to approve the Wuest Estate Development Agreement between the City of San Diego and Wuest Estate Company.
The proposed development agreement would apply to approximately 250 acres in the Miramar Ranch North community. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Miramar Ranch North Community Plan for the 20-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is located on the east side of I-15 between Poway Road and Miramar Lake. A brief legal description is as follows:
northeast quarter of the northeast quarter and a portion of

the northeast quarter of the northwest half of Section 29;
and a portion of the south half of the south half, Section 20, Township 14 South, Range 2 West, SBM. The specific legal description is on file in the City Planning Department.

(Case-88-0908. District-5.)

Subitem-A: (R-91-430)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0100 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-91-49)

Introduction of an Ordinance approving the development agreement.

NOTE: The proposed development agreement was previously considered by City Council on 11/14/88 - Item 212; 11/28/88 - Item 209; 12/12/88 - Item 211; and 2/21/89 - Item 330.

CITY MANAGER SUPPORTING INFORMATION: The proposed development agreement was docketed for Council action as Item 330 on February 21, 1989. At that time the agreement was returned to the City Manager and Planning Director. The agreement before Council at this time is basically unchanged from the 1989 version with the exception of minor technical changes to reflect events that have occurred since February, 1989 and for an increase in the developer's contribution for City of San Diego General Park purposes from \$315,000 to \$1,065,000. This development agreement is similar to three others in the Miramar Ranch North community planning area that were originally presented to Council with this one, as a group of four small development agreements. The other three were approved by Council on December 12, 1988 and are in full force and effect at this time. The Manager and Planning Director recommend approval of the proposed development agreement. The City Attorney has approved the agreement with respect to form only.

FILE LOCATION: DEVL - Wuest Estate Development Agreement
CONTFY91-1

COUNCIL ACTION: (Tape location: A180-240.)

MOTION BY BERNHARDT TO CONTINUE TO SPECIAL EVENING MEETING TO BE CONSIDERED WITH THE MIRAMAR RANCH NORTH AGREEMENT AND DIRECT THE

CITY MANAGER TO REPORT ON THE MERCY ROAD INTERCHANGE, THE WUEST PROPERTY, THE MCMILLAN AGREEMENT, POMERADO ROAD AND 8A AND OTHER

RELATED LAND USE MATTERS, THE MTDB AND CITY PLANS FOR THE I-15 CORRIDOR AND THE PUBLIC TRANSIT PROGRAM. Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-330:

Request for an extension of time on a previously approved rezone from Zone A-1-10 to Zone CA, in the Carmel Mountain Ranch Community Plan area and a request for a Planned Commercial Development Permit and Vesting Tentative Map for the construction of a 535,000 square-foot retail shopping center and a 27-lot subdivision. The subject property (approximately 117 acres) is located on the west side of Carmel Mountain Road between Rancho Carmel Drive and Conference Way, and is more particularly described as a portion of Pompeii Subdivision, Map-1738 (Parcels 1, 2 and 3 of Parcel Map PM-15107).

(Case-89-1323 and PCD & VTM-90-0100. District-1.)

Subitem-A: (R-91-813) ADOPTED AS RESOLUTION R-276933

19901127

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-1323 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-91-77) INTRODUCED, TO BE ADOPTED DECEMBER 10, 1990

Introduction of an Ordinance for CA Zoning.

Subitem-C: (R-91-1044) GRANTED PERMIT ADOPTED AS RESOLUTION R-276934

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

Subitem-D: (R-91-1045) GRANTED MAP ADOPTED AS RESOLUTION R-276935

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

FILE LOCATION: Subitems A and C PERM PCD-90-0100, Subitem-B
--, Subitem-D SUBD-Carmel Village Plaza

COUNCIL ACTION: (Tape location: A032-065.)

Hearing began 10:06 a.m. and halted 10:09 a.m.

Council Member Bernhardt left 10:06 a.m.

Mayor O'Connor entered 10:07 a.m.

MOTION BY HENDERSON TO ADOPT INCLUDING THE FINDINGS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Nov-27-1990

ITEM-331:

Appeal of Lawrence Jay Ahern from the decision of the Planning Commission in granting Planned Residential Development Permit PRD-90-0293 to construct 34 multi-attached one- and two-story residential units. The subject property is located at the southeasterly terminus of Fulton Street, west of Highway 163 and is more particularly described as Parcel 2 of Parcel Map PM-7297 in Zone R-3000 within the Linda Vista Community Plan area. (Case-90-0293. District-5.)

Subitem-A: (R-91-1143) ADOPTED AS RESOLUTION R-276936

19901127

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-90-0293 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-91-1144) ADOPTED AS RESOLUTION R-276937

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: Subitems A and B PERM PRD-90-0293

COUNCIL ACTION: (Tape location: A329-B282.)

Hearing began 10:29 a.m. and halted 11:07 a.m.

Testimony in favor by Judy Broswell, Larry Ahern, and Mike Kennedy.

Testimony in opposition by Ann Greene, Norman Merrill, Shuf Swift, and Jack Welsh.

The hearing was closed.

MOTION BY PRATT TO DENY THE APPEAL AND GRANT THE PERMIT WITH THE FINDINGS. Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-ineligible, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Nov-27-1990

ITEM-332: (R-91-981) DENY APPEAL, GRANT DESIGNATION ADOPTED AS RESOLUTION R-276938

(Continued from the meeting of October 30, 1990, Item 333, at Councilmember Filner's request, for further review.)

Appeal of Victor and Celia Liu, by Robert A. Ball, Attorney, from the decision of the Historical Site Board in approving historical site designations of the Shaffer, Jones and Silberhorn/Hord Houses as Site Numbers 252, 253 and 254, Grade 3. The subject properties are located at 1665 Union Street, 1658-68 Front Street and 205 West Date Street, respectively.

(District-8.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historical site designation, with appropriate findings to support Council action.

FILE LOCATION: GEN'L - Historical Site Board Decisions and

Appeals, Etc

COUNCIL ACTION: (Tape location: B288-C360.)

Hearing began 11:08 a.m. and halted 12:05 p.m.

Testimony in favor by Marie Lai.

Testimony in opposition by Kathryn Willetts.

MOTION BY FILNER TO DENY THE APPEAL AND GRANT THE DESIGNATION.

Second by Wolfsheimer. The vote on the motion was trailed for discussion.

Council Member Wolfsheimer left 12:03 p.m.

The vote on the motion passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-333: (R-91-)CONTINUED TO DECEMBER 11, 1990

(Continued from the meeting of October 30, 1990, Item 339, at Councilmember Henderson's request, to allow time for the adoption of the design standards and downzoning.)

Appeal of Alfred Strohlein from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 1461 Chalcedony Street is located within a single-family neighborhood. The subject property is further described as Lots 16 & 17, Block 124, Pacific Beach Map-948, in Zone R-1500 within the Pacific Beach Community Plan area.

(ER-90-3024. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D028-103.)

MOTION BY HENDERSON TO CONTINUE TO DECEMBER 11, 1990 IN ORDER TO CONSOLIDATE ALL PACIFIC BEACH ITEMS TO BE HEARD. Second by

Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Nov-27-1990

ITEM-334: (R-91-) CONTINUED TO DECEMBER 11, 1990

(Continued from the meeting of October 30, 1990, Item 340, at Councilmember Henderson's request, to allow time for the adoption of the design standards and downzoning.)

Appeals of Jean Monfort, Alfred Strohlein, Thomas Battista, and Bertha Chase from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3025, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property located at 936 Opal Street is located within a single-family neighborhood. The subject property is further described as Lots 27 and 28, Block 3, Reed's Ocean Front Addition Tract 913, in Zone R-1500 in the Pacific Beach Community Plan area.

(Case-90-3025. District-6.)

Adoption of a Resolution granting or denying the appeals and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D028-103.)

MOTION BY HENDERSON TO CONTINUE TO DECEMBER 11, 1990 IN ORDER TO CONSOLIDATE ALL PACIFIC BEACH ITEMS TO BE HEARD. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-335: (R-91-) CONTINUED TO DECEMBER 10, 1990

(Continued from the meetings of October 9, 1990, Item 335, and October 30, 1990, Item 344; last continued for a report from staff.)

Appeal of Peninsula Community Planning Board, Inc., by

Norman Magneson, Chair, from the decision of the Board of Zoning Appeals in approving variance / Conditional Use Permit C-20523, subject to conditions.

The project request is to maintain the following currently in violation: a three-story, single-family dwelling 1) with three bay windows observing a 13'0" front yard where 15'0" is required; 2) a guest quarters where such use is permitted by Conditional Use Permit only; 3) a 7'2" wide fireplace observing a 3'0" rear yard where 4'0" is required; 4) an eave projection observing a 2'0" rear yard where 2'6" is required; and 5) a 7'4" high retaining wall observing a 2'0" street side yard where a 6'0" high retaining wall is the maximum height permitted in the side yard. The subject property is located at 1447 Plum Street, in Zone R1-5000, in the Peninsula Community Plan area, and is more particularly described as portions of Lots 11 and 12, Block 55, Roseville, Map-165.

(C-20523. District-2.)

(NOTE: The Peninsula Community Planning Board, Inc., is the appellant in this action.)

Adoption of a Resolution granting or denying the appeal and granting or denying the variance / permit, with appropriate findings to support Council action.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D120-185.)

MOTION BY ROBERTS TO CONTINUE TO DECEMBER 10, 1990 IN ORDER TO REVIEW RECENTLY RECEIVED INFORMATION. Second by Henderson.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-336:

(Continued from the meetings of October 16, 1990, Item 337 and November 13, 1990, Item 338; last continued at Councilmember Roberts' request, to allow time to address unresolved matters.)

Matter of two appeals by 1) Point Loma Nazarene College by Rebecca Michael, Attorney and 2) Ann Swanson and Michael Taylor McGreevy from the decision of the Planning Commission in granting a request for Coastal Development Permit CDP-87-0142 and Conditional Use Permit CUP-87-0142 (an amendment to CUP-82-0205). Point Loma Nazarene College

(the applicant) is appealing conditions of the permits.

Ann Swanson and Michael Taylor McGreevy are opposing the approval of the project.

The project proposes to allow additions and modifications to the existing Point Loma Nazarene College, which will modernize and regroup campus facilities. The subject property is approximately 87 acres in size, located at 3900 Lomaland Drive, and is more particularly described as Parcels 1, 3 and 4 of Parcel Map PM-1889, in Zone R1-5000/HR within the Peninsula Community Plan area. (CUP/CDP-87-0142. District-2.)

Subitem-A: (R-91-1145) ADOPTED AS RESOLUTION R-276941

19901127

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0142 and conditions contained in Mitigation Monitoring and Reporting Program has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-1146) DENY THE APPEAL, GRANT PERMIT WITH CONDITIONS, ADOPTED AS RESOLUTION R-276946

Adoption of a Resolution granting or denying the appeal and granting or denying the permits, with appropriate findings to support Council action.

FILE LOCATION: PERM-CDP/CUP 87-0142; CUP 82-0205

COUNCIL ACTION: (Tape location: D198-E039.)

Hearing began at 4:02 p.m. and halted at 4:20 p.m.

Rebecca Michaels was given permission to speak on behalf of the College although the hearing was closed.

MOTION BY ROBERTS TO DENY THE APPEAL AND GRANT THE PERMIT WITH THE FOLLOWING CONDITIONS: 1) DRAINAGE: REQUIRE THAT THE COLLEGE CONSTRUCT DRAINAGE CONTROL MEASURES AND REPAIR THE DAMAGE ON THE PARK PROPERTY, AND THAT THESE IMPROVEMENTS BE CONSTRUCTED IN THE

SATISFACTION OF THE CITY MANAGER'S AND CITY ENGINEER'S OFFICE IN CONFORMANCE WITH THE YET UNADOPTED PARK MASTERPLAN. 2) TRAFFIC LIGHT AT CORNER OF LOMALAND AND CATALINA. THE CITY WOULD PARTICIPATE IN THE FUNDING OF A TRAFFIC SIGNAL AT THE INTERSECTION OF LOMALAND AND CATALINA, AND THAT THE COMMUNITY DEVELOPMENT IMPACT FUNDS BE USED FOR 50% OF THE COST FOR THAT SIGNAL, AND THAT THE COLLEGE WOULD BEAR THE OTHER 50% OF THE COST. THE COLLEGE WOULD BE, IN ADDITION, RESPONSIBLE FOR FUNDING THE RELATED TRAFFIC STUDY AND THE INSTALLATION OF THE TEMPORARY CUL-DE-SAC AT THE END OF WATER AND TORONTO, THE TWO STREETS THAT WOULD BE AFFECTED. 3) LOOP ROAD: ENSURE THAT WITHIN THE PARK LAND, THE ONLY TRAFFIC ON THAT ROAD WOULD BE EMERGENCY VEHICLES, AS RECOMMENDED BY THE PLANNING DEPARTMENT. THAT STATUS WOULD REMAIN UNTIL SUCH TIME AS IN THE MASTERPLANNING OF THE PARK AN ALTERNATIVE TO THAT EMERGENCY ACCESS IS FOUND, THEN THAT SECTION OF THE ROAD WOULD BE SUITABLY REPLACED AS PART OF THE MASTERPLAN. 4) RETAINING WALL ON MRS. McGREEVY'S PROPERTY: AS THE WALL CLEARLY NEEDS TO BE REPLACED, FUTURE LANDSCAPING SHOULD BE DONE IN SUCH A WAY AS TO MINIMIZE THE RUNOFF IN THAT AREA AND THAT WORK SHOULD BE DONE AS A CONDITION OF THIS PERMIT BY THE COLLEGE. 5) EASEMENTS FOR SEWER LINES THAT CROSS UNDER PARK: THE COLLEGE BE GRANTED EASEMENTS BY NECESSITY TO

DOCUMENT

THE EXISTENCE OF CERTAIN UNDERGROUND STORM AND SEWER FACILITIES ON THE PARK PROPERTY, AND THE COLLEGE RECOGNIZE THAT THESE FACILITIES ARE ON PUBLIC LAND, AND THAT IN THE EVENT OF FAILURE, THE COLLEGE WOULD BE REQUIRED TO OBTAIN THE NECESSARY PERMITS FROM THE CITY AND WORK WITH THE CITY TO ENSURE THAT REPAIR OR REPLACEMENT IS COMPLETED IN SUCH A WAY THAT MINIMIZES IMPACT TO THE PARK TO THE GREATEST EXTENT POSSIBLE. 6) BUILDING OWNED BY THE COLLEGE THAT OVERLAPS THE PARK LAND. THE COLLEGE BE GRANTED AN EASEMENT TO ENSURE THE RECORDATION OF THE FACT THAT THE STRUCTURE KNOWN AS THE LAMBERT HOUSE IS PARTIALLY ENCROACHING ON

THE PARK PROPERTY AND THE COLLEGE SHOULD MAKE EVERY REASONABLE

EFFORT TO FIND A SUITABLE RELOCATION SITE TOTALLY ON THEIR PROPERTY WHEN FEASIBLE. ALL OF THE CONDITIONS IMPOSED ARE NECESSARY TO MAKE THE FINDINGS REQUESTED FOR THE CUP AMENDMENT, AND THAT IF ANY CONDITIONS ARE CHALLENGED, THE CUP AMENDMENT WILL BE RETURNED TO THE CITY COUNCIL TO DETERMINE IF THE FINDINGS COULD BE MADE WITHOUT THE CHALLENGED CONDITION. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S402: CONTINUED ONE YEAR

(Continued from the meetings of August 7, 1990, Item 338, September 18, 1990, Item 342, September 25, 1990, Item S500; Trailed as Unfinished Business from the meeting of October 16, 1990, Item 343; Continued from the meetings of October 30, 1990, Item 218, November 5, 1990, Item S406 and November 19, 1990, Item 206; last continued at the City Attorney's request, for further review.)

In the matter of Vesting Tentative Map (Fairbanks Highlands), Planned Residential Development Permit and Resource Protection Overlay Zone Permit VTM, PRD & RPZ-88-1041, proposing a 109-lot subdivision of this site for each of the proposed residential development parcels, seven open space lots, one private recreation lot, and necessary public facilities to serve the site; and construction of 92 single-family detached residences (including site landscaping, brush management and off-street parking) on a vacant 391-acre site.

Street Vacation of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124, and Old Survey 451 as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed vesting tentative map for Fairbanks Highlands (VTM-88-1041).

The subject property is located generally north of Black Mountain Road and immediately west of the Penasquitos community in Zone A-1-10 (portions Hillside Review) and within the boundaries of the future urbanization area as identified by the City's General Plan. The subject property is more particularly described as portions of the northeast quarter and the east half of the northwest quarter of Section 11, the northwest quarter of Section 12, Township 14 South, Range 3 West, SBBM, Parcel Map PM-8133. (VTM, PRD & RPZ-88-1041. District-1.)

Subitem-A: (R-90-2220)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-1041 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the

Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-)

Adoption of a Resolution granting or denying the PRD permit, with appropriate findings to support Council action.

Subitem-C: (R-91-)

Adoption of a Resolution granting or denying the RPZ permit, with appropriate findings to support Council action.

Subitem-D: (R-91-)

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-E: (R-90-2219)

Adoption of a Resolution authorizing the vacation of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124, and Old Survey 451 as provided for under Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacations of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124 and Old Survey 451 have been initiated by the submission of the tentative map for Fairbanks Highlands (VTM-88-1041). The tentative map proposes subdivision of a 391-acre site for the purpose of creating 92 single-family residential lots. Development of the site will be controlled by the associated Planned Residential Development (PRD). The subject vacation is located in an area designated as a Future Urbanizing area immediately west of the Penasquitos East Community. The proposed vacation was reviewed by the adjacent designated Community Planning Groups (North City West Planning Board and Rancho Penasquitos Planning Board) as part of the

tentative map. There were no apparent concerns from the North City West Planning Board, and the Rancho Penasquitos Planning Board supported the project in concept. On May 24, 1990, the Planning Commission upheld an appeal to the Subdivision Board's recommendation of approval and recommended denial of the Fairbanks Highlands project by a 7-0 vote.

The subject vacation consists of portions of Black Mountain Road, which is an unimproved travelway that has an assumed width of 40 feet, three road surveys which are unplotable, and one road survey which is partially utilized as a private road. The rights-of-way to be vacated will not be required for easement rights-of-way for access or traffic circulation since they will be replaced if the map is approved. The tentative map conditions provide for the dedication of half-width improvements for Carmel Valley Road with off-site transitions, the dedication of Camino Ruiz with a deferred six-year agreement for full-width improvements, and a system of private streets for access within the subdivision boundaries. The public benefits to be accrued with this vacation are an improved road system and improved utilization of the land.

Upon Council approval of the Planned Residential Development Permit (PRD-88-1041) and the Vesting Tentative Map (VTM-88-1041) for Fairbanks Highlands, the rights-of-way to be vacated would no longer be required for present or prospective use, as indicated by staff review. It is therefore recommended that, if the vacation is approved, it be conditioned upon the approval and recordation of the final map for Fairbanks Highlands (VTM-88-1041).

FILE LOCATION: Subitems A and B PERM PRD 88-1041, Subitem-C
PERM RPZ 88-1041, Subitem-D SUBD-Fairbanks
Highlands, Subitem-E DEED F-5411 STRT J-2745

COUNCIL ACTION: (Tape location: A240-323.)

Hearing began 10:23 a.m. and halted 10:29 a.m.

Motion by Wolfsheimer to deny the project. Second by Filner.

No vote.

SUBSTITUTE MOTION BY ROBERTS TO CONTINUE ONE YEAR AND TO DIRECT STAFF TO EVALUATE THE PROJECT UNDER THE EXISTING LAND USE REGULATIONS AT THAT TIME. Second by Henderson. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-nay, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-nay.

ITEM-S500:

Two actions relative to transfer of funds in connection with participation in the rate hearings for Pacific Bell and SDG&E:

Subitem-A: (R-91-866) ADOPTED AS RESOLUTION R-276939

Authorizing the City Auditor and Comptroller to transfer \$5,000 within Fund 100 from the Unallocated Reserve (605) to the Allocated Reserve (901) for the purpose of providing funds to augment Resolution R-272381 for expenses incurred in connection with participation in the California Public Utilities Commission and Federal Power Commission rate hearings relating to the San Diego Gas and Electric Company.

Subitem-B: (R-91-867) ADOPTED AS RESOLUTION R-276940

Authorizing the Auditor and Comptroller to transfer \$5,000 within Fund 100 from the Unallocated Reserve (605) to the Allocated Reserve (901) for the purpose of providing funds to augment Resolution R-272382 for expenses incurred in connection with participation in the California Public Utilities Commission rate hearings relating to Pacific Bell.

FILE LOCATION: Subitems A and B MEET

COUNCIL ACTION: (Tape location: C575-590.)

MOTION BY HENDERSON TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S501: (R-91-877) ADOPTED AS RESOLUTION R-276942

Determining that the use of funds from the Horton Plaza Low and Moderate Income Housing Fund to pay part of the cost of rehabilitating the housing under a proposed housing rehabilitation agreement between the Redevelopment Agency and the Vietnam Veterans of San Diego will be of benefit to the Horton Plaza Redevelopment Project.

(See memorandum from CCDC Executive Vice President dated 11/16/90. Centre City Community Area. District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E048-111.)

MOTION BY ROBERTS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S502: (R-91-878) ADOPTED AS RESOLUTION R-276943

Determining that the use of funds from the Horton Plaza Low and Moderate Income Housing Fund to fund a loan under a proposed owner participation agreement between the Redevelopment Agency and San Diego Historic Properties IV, Ltd., will be of benefit to the Horton Plaza Redevelopment Project.

(See memorandum from CCDC Executive Vice President dated 11/16/90. Centre City Community Area. District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E115-147.)

MOTION BY FILNER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S503: (R-91-876 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-276944

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Certifying that Environmental Impact Report DEP-88-0967, issued in connection with Jackson Drive Extension to SR-52, has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA guidelines, and that said report has been reviewed and considered by the Council, and adopting the Findings and Statement of Overriding considerations; authorizing the City Manager to proceed with the acquisition of mitigation property in accordance with the Environmental Impact

Report, and continue with the design of Jackson Drive to SR-52.

(Mission Trails Regional Park Community Area. District-7.)
CITY MANAGER SUPPORTING INFORMATION: The Jackson Drive extension project from Mission Gorge Road to SR-52 is identified in the General Plan, in the Tierrasanta Community Plan, and in the Mission Trails Park Master Development Plan. Construction of this project, in conjunction with the completion of SR-52, will greatly reduce congestion in the Mission Gorge area and provide access to Mission Trails Park. On September 26, 1988, City Manager Report CMR-88-415, "Status of Proposed Extension of Jackson Drive," was discussed as part of the Transportation and Land Use Committee agenda. This resulted in the preparation of an environmental impact report (EIR) to evaluate Alignment C, as identified in the "Jackson Drive Extension Alignment Study," dated May 1988. On August 24, 1990, notice was published in the San Diego Daily Transcript and the Draft EIR was distributed for public review. Written comments regarding the adequacy of the Draft EIR were received. The final EIR includes responses to all the written comments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E569-J339.)

MOTION BY McCARTY TO ADOPT WITH THE FOLLOWING AMENDMENTS: 1) CERTIFY THE ENVIRONMENTAL IMPACT REPORT NO. 88-0967. 2) ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS. 3) ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM. 4) AUTHORIZE THE CITY MANAGER TO CONTINUE TO DESIGN BY COMPLETING THE FINAL PLANS, SPECIFICATIONS AND ESTIMATE IN PREPARATION FOR THE CONSTRUCTION OF JACKSON DRIVE. 5) AUTHORIZE THE CITY MANAGER TO PROCEED WITH ACQUISITION OF MITIGATION IN ACCORDANCE WITH THE ENVIRONMENTAL IMPACT REPORT. 6) POST THE SPEED LIMIT AT 45 MPH IN ACCORDANCE WITH THE ROAD STATUS AS A PARK ROAD AND AS IT ALREADY IS ON EXISTING JACKSON DRIVE SOUTH OF WINDING CREEK. 7) INCLUDE A TRAFFIC SIGNAL AT COWLES MOUNTAIN BLVD. AND JACKSON DRIVE. 8) THAT THE CITY MANAGER CONSIDER BANNING HEAVY TRUCKS ON THIS ROAD. 9) DESIGNATE THIS ROAD AS A SCENIC PARKWAY AND BE NAMED "MISSION TRAILS PARKWAY" AS REQUESTED BY

THE CITIZENS ADVISORY COMMITTEE TO THE PARK, AND BY THE TASK FORCE. Second by Pratt. Passed by the following vote:
Wolfsheimer-nay, Roberts-nay, Hartley-nay, Pratt-yea,
Bernhardt-nay, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Marguerite Ferrante on the Mobile Home Project
to thank the Council for their vote.

ITEM-PC-2:

Comment by Dan Leonard on Lake Murray.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J340-352.)

ADJOURNMENT:

By common consent, the meeting was adjourned at 6:50 p.m.
in honor of the memory of Barbara Hughes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J352-353.)